

MAGOON HAS TWO LINES OF FIGHT ON R. T. CHARTER

One to Oppose Franchise Before House Committee on Territories in Washington; Other for Action in Territorial Courts

A double-barreled fight against the proposed new Rapid Transit franchise is included in the plans of Attorney J. A. Magoon, who leaves for Washington tomorrow.

Attorney Magoon is going to Washington primarily on a land suit, which has reached the United States supreme court, but while in the national capital he hopes to get a hearing before the house committee on territories, at which he will oppose any new Rapid Transit charter at the present time.

The second barrel of his gun is loaded with an injunction suit he fought out in the Hawaiian courts. The firing of both barrels depends upon the developments of the next few weeks.

If Governor Pinkham declines to approve the new charter plan, as submitted to him a few days ago by the public utilities commission, the plan, it is conjectured, will not reach Congress at all, and therefore an appearance before the committee on territories may not seem necessary to Attorney Magoon. On the other hand, if the new charter draft or one similar to it meets the governor's approval and is sent to Congress for action at this session, the attorney may fire his shot then and there, provided he is in Washington.

His contemplated injunction suit has these features:

He has offered his services gratis to the territorial government to be used in fighting the new charter plan and in securing from the territorial supreme court an interpretation of the "stock dividend" provisions of the present charter.

In case the government accepts his services he may possibly appear before the supreme court as "amicus curiae" on the territory's appeal of the present injunction suit, decided in favor of the Rapid Transit by Circuit Judge Stuart weeks ago.

There is a technical question whether this injunction suit, which is now before the supreme court, covers the points on which Magoon verbally and in letters to the Star-Bulletin has recently been attacking the present franchise.

If it should develop that these points cannot be brought before the supreme court for decision in connection with the existing litigation, Attorney Magoon is determined to start an injunction suit in the circuit court which shall cover his points, and carry it through to supreme court interpretation.

He holds, briefly, that the Rapid Transit has not the right to issue stock dividends on the basis of profits put back into enlargements and improvements of the system, and therefore that much of the present and contemplated capital stock issuance is illegal and the stock worthless.

Representing Only Himself and Public. Mr. Magoon declared emphatically again today that he represents in his attitude no person or interest other than the public and public interest, and that he is retained by no one.

"The report that Link McCandless has retained my services is unfair and untrue," he said today. "I am doing this from what I conceive is my duty solely as a citizen of Honolulu. I am not hostile to the Rapid Transit Company or any member of the corporation. I am under obligations to some of the large stockholders and they are my personal friends. But I contend that this stock bonus or stock dividend plan is illegal and wrong, and that we should have a supreme court decision on it."

"The Rapid Transit attorneys say that the present suit does not bring this question before the supreme court. If that is the case, it should be brought before the court by another suit. I am willing to join as a private citizen with a group of citizens to test this out, and I am assured of the support of a hundred—yes, a thousand Honoluluans to see it through."

Attorney Magoon has offered his services to Governor Pinkham to assist in getting the matter before the supreme court. He said this morning that the offer was verbally made. Whether it will be accepted he does not know.

But he indicated unmistakably this morning that he is in for a long fight against a new Rapid Transit charter. If a long fight is necessary, and he expressed no doubt that he could make the fight an interesting one.

From his comments it would appear that the new charter is likely to be indefinitely held up by litigation.

WISSER'S AIDE WILL SAIL ON U. S. COLLIER

First Lieut. Lester Baker, aide to Dr. J. P. Wisser, during the time that officer was in command of the Hawaiian Department, will leave on the United States collier Proteus tomorrow morning, according to word at army headquarters. The Proteus is scheduled to sail by way of Panama, and the lieutenant is planning to remain on the boat for the entire trip.

To discuss the framing of a model charter for Honolulu to be presented to the next legislature, a meeting of representatives of public and semi-public organizations was to be held at 4 o'clock this afternoon in the rooms of the Chamber of Commerce.

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FORBES' BILLS DENIED; STUART RAPS GOVERNOR

(Continued from page one)

Attorney-General Arthur G. Smith, one of counsel for the governor and other respondents.

"As a matter of fact, the notice of appeal has been drawn up for several weeks," Mr. Smith told the court.

Out of the moneys expended by Forbes while on the mainland, amounting to more than \$1000, it is alleged in the original complaint that he endeavored to have \$98.55, expenses for a dinner to senators in the national capital, paid by the governor out of a special appropriation to which only the governor has access. It is further alleged that Forbes endeavored to have another portion of the expenses, amounting to about \$600, paid from the funds of the public utilities commission. The two suits involving the expenditure of these amounts were decided today.

On January 11, 1916, says the decision, Forbes, then in Washington, sent a cablegram to the governor requesting authority to expend \$100 for entertainment. Replying the same day, Governor Pinkham cabled Forbes authority to make the expenditure. Forbes expended \$98.55 for a dinner to senators. The decision adds that on February 8, this year, Wilder advised the utilities commission that if it approved for payment any portion of Forbes' bills the facts would be laid before the grand jury.

Commenting in this respect, Judge Stuart says:

Comments on Attorney-General. "On February 14 or 15, the attorney-general gave the question an oral emergency treatment, before the commission, in which he arrived at the conclusion that the claim was illegal and could not be paid. The public was never informed of this opinion; the first information that the court had of it was obtained from the answer herein. The attorney-general takes the position that his opinions in matters of this kind are not public property. I think differently. If such an opinion had been rendered and made known, the bringing of this case might have been avoided."

In an opinion heretofore filed the court held that a member of a board could not contract with himself, and that the members of a board could not allow themselves compensation or traveling expenses or board bills outside of those expressly provided for by law, and that the incurring of any other expenses would be ultra vires.

"So far as legislation is concerned," says Judge Stuart, "we have our representative before Congress at the public expense to look after our interests. One board may take the view that certain legislation is necessary; another one of equal authority may take the opposite view. Can they both hire officials or appoint members from their own boards to go to Washington at public expense and advocate their different views?"

"The members of these boards may feel sufficiently interested as individuals to wish to be heard as citizens, and they may pay their own expenses, but the expense of an agent for that purpose, but they must not use territorial funds for the purpose of carrying out their private views. It is unlawful and unauthorized."

"Referring to the dinner which Forbes gave in Washington, Judge Stuart emphasizes the statement that 'telegrams show that the governor absolutely authorized this expenditure.'"

"He has no authority in the law to authorize dinners at Washington of this kind," the decision continues, "and the attorney-general does not claim that he had any such authority. It is a claim that should not be paid from the public funds under any consideration. The governor has done all that was necessary on his part to make it a claim against the territory (if there was any validity in it)."

Concluding, Judge Stuart says: "As matters stood when these actions were commenced, I think the plaintiff (Wilder) was fully justified in bringing them. There may be a lack of proof as to some of the officers as to threats as to what they would do, but there is no doubt in my mind as to the fact that each of them would have taken the steps necessary in payment of these claims and that they would have been paid long ere this had it not been for the bringing of these actions."

It was expected that appeals from Judge Stuart's decision would be filed this afternoon.

EXECUTIVES OF Y. W. C. A. REACH HERE ON MANOA

Committee Worker and Secretary Come From Coast and Will Visit Local Body

Miss Lillian James, executive secretary of the Pacific Coast Field of the Y. W. C. A., and Miss Anna Brewer, representing the executive committee of the Y. W. C. A., arrived in Honolulu this morning on the Manoa and will remain here for some time, working with the staff of the local association.

The national board of the association of which the local association is a member has nine branches, the Pacific Coast Field headquarters being located in San Francisco. Honolulu has been a member of the association field since last December.

Miss James was at one time general secretary of the Buffalo Y. W. C. A., and from there came to San Francisco, where she was selected as the executive secretary of the Pacific Coast Field, comprising 16 city associations, 18 student associations and a number of country branches.

The executive committee have a staff of secretaries who specialize in the different branches of the work, one secretary looking after the interests of the country girls another the Japanese work, one in charge of children's work, and plans are now being made for the appointment of a secretary to look after immigration work.

This is the first visit paid the local association since the Honolulu Y. W. C. A. became a member, and this morning a committee of the association greeted the visitors and an informal reception was held at the association. This evening the business girls' club of the association will give a chowder dinner at the Outrigger Club in honor of the visitors, and on Thursday evening the board of directors, committee and staff, will give a dinner at the local association where Miss James and Miss Brewer will deliver addresses.

Various clubs have made arrangements to hold informal gatherings where they will have the opportunity to hear talks by the visiting secretaries while in the city. Plans for the policies of next year will be formulated by the committee under the guidance of Miss James. Miss Brewer is the chairman of the department of foreign work, and will discuss many of the problems with the local secretaries during her stay here.

Miss Annetta Dieckmann, educational secretary, stated this morning that inasmuch as the association had increased its membership 40 per cent in four months the visitors would be especially welcomed at this time, as the need of some one to advise in taking care of the increase is necessary.

COYNE FURNITURE CO. SECURES CONTRACT TO EQUIP WOLTERS BLOCK

Contract to furnish the new Wolters building in Union street, near Hotel, was awarded yesterday to the



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WILL STAY AWAY UNTIL CONGRESS CLOSES, IS PLAN

Understood Kuhio Will Not Return to Hawaii Unless Litigation Demands Him

Unless his presence is demanded in Honolulu in the litigation involving the trust of Queen Liliuokalani, Delegate Kuhio, after attending the Republican convention at Chicago, intends to remain in Washington, D. C., until the adjournment of Congress.

This, according to a close personal friend of Kuhio, is the delegate's plan for the future, that is, for the period following the close of the Chicago convention. If the delegate can arrange matters as regards the local litigation in which he is engaged, he will proceed to the national capital immediately upon the close of the convention and work on matters pertaining to Hawaii.

Kuhio will leave for the national convention tomorrow on the steamer Wilhelmina as delegate from Hawaii, together with R. W. Brewster, national committee-man-elect. It was reported today that W. C. Ash, alternate, will be unable to attend the convention, and that A. L. Castle, the other alternate, probably will not go. Mr. Castle could not be reached today, however, to confirm or deny the report.

Coyne Furniture Company, and will amount to about \$5000. The contract calls for the furnishing of 22 single rooms and eight apartments, each of the latter consisting of a bedroom, parlor, bathroom, kitchen and pantry. A good grade of turned oak furniture will be used throughout. The beds will be of iron and the company intends to manufacture the box spring mattresses at its local factory. The contract will be completed on or about September 1.

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KAMEHAMEHA DAY BALL WILL DRAW BIG ATTENDANCE

One of the largest gatherings the city has ever seen for a ball of the kind is expected to attend the Kamehameha Day ball this evening, given by the celebration committee for the purpose of raising money for the celebration.

The effect of the committee to dispose of 3000 tickets, which were well directed as the outpouring tonight from all parts of the city will show.

In addition to the dance music, which will be played by the band tonight, there will be a singing of hymns and songs by the choir of the Pali Union Church. The congregational choir from the Mormon church at Lane will furnish entertainment for the dancers also.

CARDEN ESTATE WORTH MORE THAN \$153,000

The first and final accounts of Anna Diana Carden, executrix of the estate of her husband, the late John J. Carden, were filed in circuit court today. The executrix charges herself with \$153,425.45 and asks to be allowed \$12,125.47. Mrs. Carden is now on the mainland, accompanied by her daughter, Mae.

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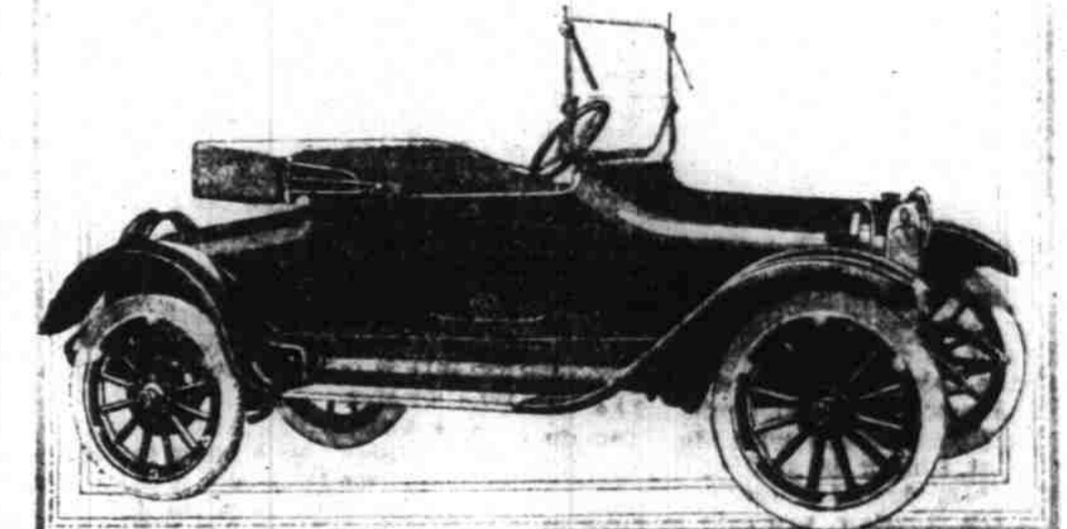
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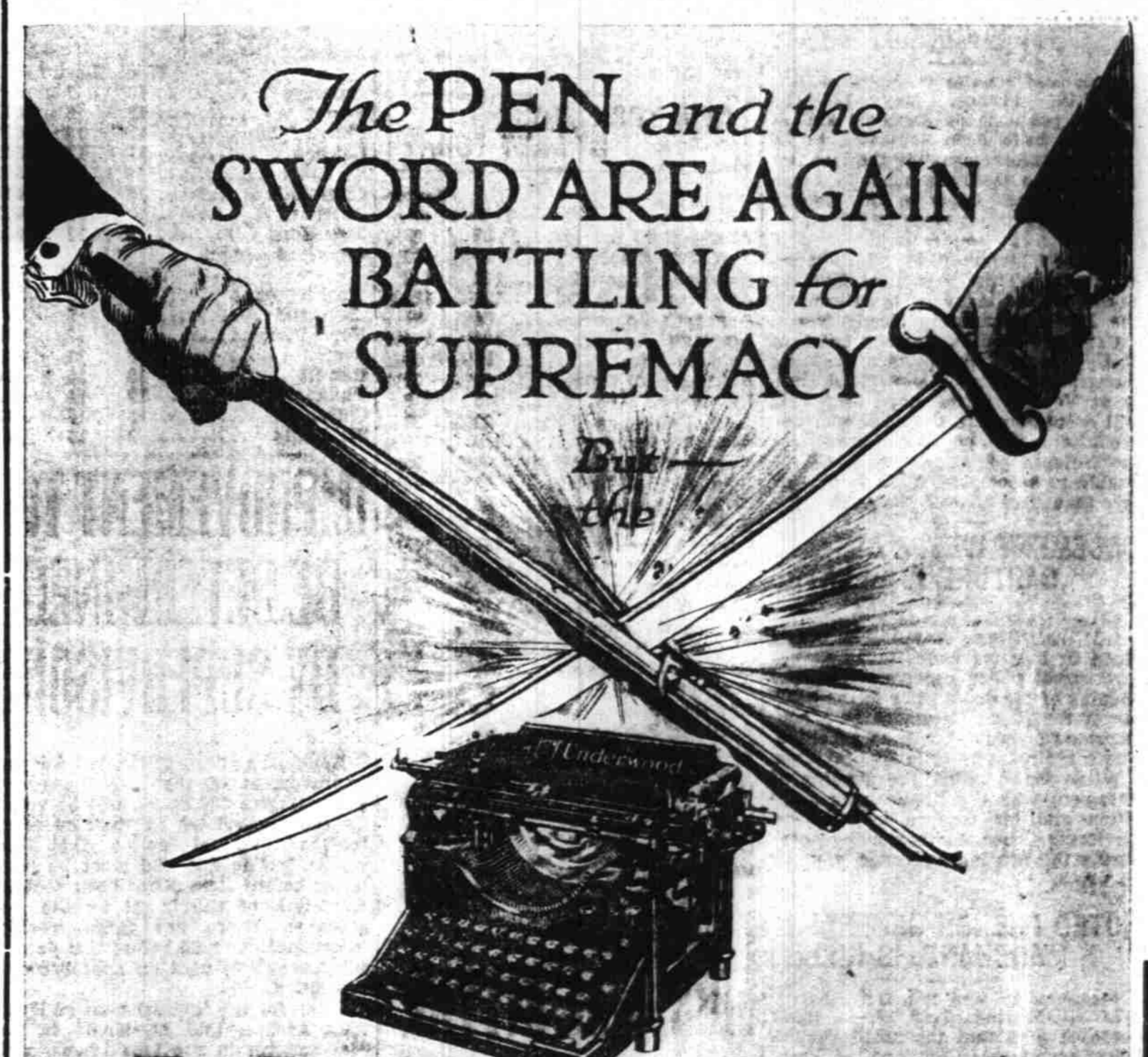
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